

RESOLUTION NO. CZAB8-12-10

WHEREAS, PALMS CONVALESCENT CARE, INC. applied for the following:

- (1) MODIFICATION of Condition #2 and #5 of Resolution CZAB8-5-07, passed and adopted by Community Zoning Appeals Board #8, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Plaza North,' Sheet A-1, dated stamped received 2/27/07, Sheets A-2 & A-3 dated stamped received 8/17/05 and Sheets L-1 & L-2 dated stamped received 11/9/06 as prepared by Joseph B. Kaller, Architect, totaling 5 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Exterior Improvements for: Plaza North Long Term Care,' as prepared by Rafael D. Ballesteros, Architect, Sheet A1 dated stamped received 11/17/09 and last handwritten revision dated 2/8/10, Sheet LA1 dated stamped received 11/17/09 and the remaining sheets dated stamped received 10/20/09 with, for a total of 7 sheets."

FROM: "5. That the use be approved for and be restricted to a maximum of 110 resident clients."

TO: "5. That the use be approved for and be restricted to a maximum of 72 resident clients."

The purpose of request #1 is to allow the applicant to submit a new site plan showing covered entry addition to the previously approved nursing home, a parking lot reconfiguration and a reduction in the number of resident clients.

- A (2) Applicant is requesting to permit a metal roofed, covered entry setback a minimum 4' (15' required) from the side street (west) property line.
- W (3) ~~Applicant is requesting to permit 32 parking spaces (40 required).~~
- W (4) ~~Applicant is requesting to permit a 14' wide drive aisle (17' required) for 60° angle parking.~~
- W (5) ~~Applicant is requesting to permit a 6' high metal picket fence (5' high masonry wall required) along property that abuts an RU zoning district to the east.~~
- A (6) Applicant is requesting to permit a 6' high metal picket fence (4' maximum height permitted) in the front and side street setbacks.
- A (7) Applicant is requesting to waive the required 5' high wall for a through lot set in 10' from the right-of-way with a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property.

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 201 & 202, ARCH CREEK ESTATES, Plat book 46, Page 73.

LOCATION: 14601 N.E. 16 Avenue, Miami-Dade County, Florida

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requests to permit 32 parking spaces (Item #3), to permit a 14' wide drive aisle for 60° angle parking (Item #4), and to permit a 6' high metal picket fence (5' high masonry wall required) along property that abuts an RU zoning district to the east (Item #5), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested modification of Condition #2 and #5 of Resolution CZAB8-5-07, passed and adopted by Community Zoning Appeals Board #8 except as modified to provide the required number of parking spaces, drive aisle width and masonry wall (Item #1) and the requests to permit a metal roofed, covered entry setback a minimum 4' from the side street (west) property line (Item #2), to permit a 6' metal picket fence along property that abuts RU zoning district to the east (Item #6), to permit a 6' high metal picket fence in the front and side street setbacks (Item #7), and to waive the required 5' high wall for a through lot set in 10' from the right-of-way with a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the

regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the request to withdraw Items #3, 4, and 5 should be granted, and

WHEREAS, a motion to approve #1 under Section 33-311(A)(7), to approve Items #2, 6, 7, and 8 as non-use variances under Section 33-311(A)(4)(b), and to accept the withdrawal of Items #3, 4, and 5 was offered by Patrick Cure, seconded by Arthemon Johnson, and upon a poll of the members present, the vote was as follows:

Richard C. Brown	aye	Arthemon Johnson	aye
Patrick Cure	aye	Voncarol Yvette Kinchen	absent
Dr. Joy J. Davis	aye	Fredricke Alan Morley	absent
		Vernell Everett	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8 that the requested modification of Condition #2 and #5 of Resolution CZAB8-5-07, passed and adopted by Community Zoning Appeals Board #8, except as modified to provide the required number of parking spaces, drive aisle width, and masonry wall (Item #1) be and the same are hereby approved under Section 33-311(A)(7), and that the requests to permit a metal roofed, covered entry setback a minimum 4' from the side street (west) property line (Item #2), to permit a 6' metal picket fence along property that abuts RU zoning district to the east (Item #6), to permit a 6' high metal picket fence in the front and side street setbacks (Item #7), and to waive the required 5' high wall for a through lot set in 10' from the right-of-way with a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) be and the same are hereby approved as non-use variances under Section 33-311(A)(4)(b), with Items #1, 2, 6, 7, and 8 subject to the following conditions:

1. That all conditions of Resolution #CZAB8-5-07 remain in full force and effect except as herein modified.

2. That the gates remain open during the hours of operation as stated in the hours of operation as stated in the Public Works Department memorandum.
3. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services.
4. That the applicant obtain a new or revised Certificate of Use for the home for the aged use from, and promptly renew the same annually, with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 and #5 of Resolution CZAB8-5-07, passed and adopted by Community Zoning Appeals Board #8 (Item #1) except as modified to provide the required number of parking spaces, drive aisle width and masonry wall (Item #1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Exterior Improvements for: Plaza North Long Term Care,' as prepared by Rafael D. Ballesteros, Architect, Sheet A1 last revised 5/27/10, Sheet LA1 dated last revised 5/27/10 (satisfying Board's request to submit revised sheets after the hearing and providing the required number of parking spaces, drive aisle width and masonry wall) and the remaining sheets dated stamped received 10/20/09 with, for a total of 7 sheets.
5. That the use be approved for and be restricted to a maximum of 72 resident clients.

BE IT FURTHER RESOLVED that the request to withdraw Items # 3, 4, and 5 be and the same is hereby granted and said Items are hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 14th day of April, 2010.

Hearing No. 10-4-CZ8-2

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**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 1ST DAY OF JUNE, 2010.**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-12-10 adopted by said Community Zoning Appeals Board at its meeting held on the 14th day of April, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 1st day of June, 2010.

Earl Jones

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Carlos Alvarez, Mayor

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

June 1, 2010

Palms Convalescent Care, Inc.
c/o Ethan Wasserman, Esq
201 S Biscayne Blvd #1500
Miami, Florida 33131

Re: Hearing No. 10-4-CZ8-2
Location: 14601 N.E. 16 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB8-12-10, adopted by the by the Community Zoning Appeals Board 8 which approved Items #1, 2, 6, and 7 and withdrew Items #3, 4, and 5 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **June 1, 2010**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Delivering Excellence Every Day



RESOLUTION NO. CZAB8-5-07

WHEREAS, **PALMS CONVALESCENT CARE, INC.** had applied to the Board of County Commissioners for the following:

- (1) UNUSUAL USE and SPECIAL EXCEPTION to permit the expansion of an existing non-conforming use; to wit: a 25-bed expansion to a nursing home.
- (2) Applicant is requesting to permit a lot coverage of 48% (40% maximum allowed).
- (3) Applicant is requesting to permit a landscape buffer varying from 2' to 5' greenbelt (7' buffer required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Plaza North Nursing and Rehabilitation Center," as prepared by Russell Mackenzie and Associates, P. A., dated received 5/15/02 and consisting of 13 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 201 and 202, of ARCH CREEK ESTATES, Plat book 46, Page 73.

LOCATION: 14601 N.E. 16 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of this Board that the application should be remanded to Community Zoning Appeals Board 8 for further reconsideration with leave to amend, and the application was remanded with leave to amend by resolution Z-37-05, and

WHEREAS, **PALMS CONVALESCENT CARE, INC.** applied to Community Zoning Appeals Board 8 for the following:

- (1) SPECIAL EXCEPTION and UNUSUAL USE to permit the expansion of an existing non-conforming use; to wit: a 25-bed expansion to a nursing home.

- (2) Applicant is requesting to permit a lot coverage of 43% (40% permitted).
- (3) Applicant is requesting to permit 49 parking spaces (68 parking spaces required).
- (4) Applicant is requesting to permit a minimum setback of 18.65' (20' required) from the front (north) property line.
- (5) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to waive same to permit a 5' high wall and a 5' high aluminum picket fence within the safe sight distance triangle along the front (east and west) property lines.
- (6) Applicant is requesting to waive the zoning regulations prohibiting structures on or in a right-of-way; to permit a 5' high aluminum picket fence in the right-of-way of N.E. 16th Avenue and N.E. 146th Street.
- (7) Applicant is requesting to permit a landscape buffer 6.33' wide (7' required) along portions of the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(16) (Alternative Site Development Option for BU Zoning District) or approval of requests #2 - #4 under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Plaza North," as prepared by Joseph B. Kaller & Associates, Sheet A-1 dated stamped received 10/19/06, Sheets A-2 & A-3 dated stamped received 8/17/05 and Sheets LA-1 & LA-2 as prepared by Michael D. Conner, Landscape Architect, dated stamped received 5/3/02, totaling 5 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 201 and 202, of ARCH CREEK ESTATES, Plat book 46, Page 73.

LOCATION: 14601 N.E. 16 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requests to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to waive same to permit a 5' high wall and a 5' high aluminum picket fence within the safe sight distance triangle along the front (east and west) property lines (Item #5), to waive the zoning regulations prohibiting structures on or in a right-of-way; to permit a 5' high aluminum

picket fence in the right-of-way of N.E. 16th Avenue and N.E. 146th Street (Item #6), to permit a landscape buffer 6.33' wide along portions of the right-of-way (Item #7), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use and special exception to permit the expansion of an existing non-conforming use; to wit: a 25-bed expansion to a nursing home (Item #1), and the requests to permit a lot coverage of 43% (Item #2), to permit 49 parking spaces (Item #3), and to permit a minimum setback of 18.65' from the front (north) property line (Item #4) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use and special exception (Item #1) would not have an adverse impact upon the public interest and should be approved, and that the requested withdrawal of the requests to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to waive same to permit a 5' high wall and a 5' high aluminum picket fence within the safe sight distance triangle along the front (east and west) property lines (Item #5), to waive the zoning regulations prohibiting structures on or in a right-of-way; to permit a 5' high aluminum picket fence in the right-of-way of N.E. 16th Avenue and N.E. 146th Street (Item #6), to permit a landscape buffer 6.33' wide along portions of the right-of-way (Item #7) should be granted, and

WHEREAS, a motion to approve #1, approve Items 2, 3, and 4 as non-use variances, withdraw Items #5, 6, and 7, and deny Items #2, 3, and 4 as alternative non-use variances and alternative site development options was offered by Fredricke Alan Morley, seconded by Arthemon Johnson, and upon a poll of the members present, the vote was as follows:

Richard C. Brown
Arthemon Johnson

aye
aye

Voncarol Yvette Kinchen
Fredricke Alan Morley

aye
aye

Vernell Everett aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8 that the requested unusual use and special exception to permit the expansion of an existing non-conforming use; to wit: a 25-bed expansion to a nursing home (Item #1) be and the same is hereby approved, and that the requests to permit a lot coverage of 43% (Item #2), to permit 49 parking spaces (Item #3), and to permit a minimum setback of 18.65' from the front (north) property line (Item #4) be and the same are hereby approved as non-use variances, with Items #1, 2, 3, and 4 subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Plaza North," Sheet A-1 dated stamped received 2/27/07, Sheets A-2 & A-3 dated stamped received 8/17/05 and Sheets L-1 & L-2 dated stamped received 11/09/06 as prepared by Joseph B. Kaller, Architect, totaling 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the use be approved for and be restricted to a maximum of 110 resident clients.
6. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services.
7. That the applicant obtain a Certificate of Use for the expansion from the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

8. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.

BE IT FURTHER RESOLVED that the requested withdrawal of the requests to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to waive same to permit a 5' high wall and a 5' high aluminum picket fence within the safe sight distance triangle along the front (east and west) property lines (Item #5), to waive the zoning regulations prohibiting structures on or in a right-of-way; to permit a 5' high aluminum picket fence in the right-of-way of N.E. 16th Avenue and N.E. 146th Street (Item #6), to permit a landscape buffer 6.33' wide along portions of the right-of-way (Item #7) be and the same is hereby granted and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, that Items #2, 3, and 4 be and the same are hereby denied without prejudice as alternative non-use variances and alternative site development options.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 20th day of March, 2007.

Hearing No. 04-2-CC-2

ej

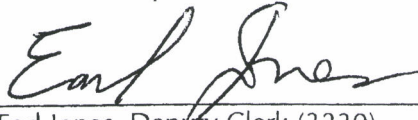
**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 27TH DAY OF MARCH, 2007.**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-5-07 adopted by said Community Zoning Appeals Board at its meeting held on the 20th day of March, 2007.

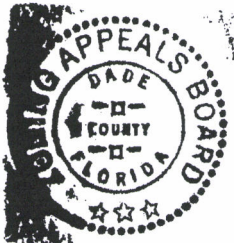
IN WITNESS WHEREOF, I have hereunto set my hand on this the 27th day of March, 2007.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL



RESOLUTION NO. ZB-55-60

The following resolution was offered by Kenneth Markham, seconded by Carl Gardner, and upon poll of members present, the vote was as follows:

Leo J. Adeeb	absent	Kenneth Markham	aye
William Ader	aye	Frank Reynolds, Jr.	aye
Carl Gardner	aye	I. Tommy Thomas	aye
Leon McAskill	aye		

WHEREAS, James R. Burne has applied for a variance of setback requirements to permit a convalescent home 65' (100' required) from center line of NE 146 St. and 50' (100' required) from side (E) property line on Lots 201 and 202, Arch Creed Estates (PB 46, Pgs. 73). E. side of NE 16 Ave., between NE 146 St. and NE 147 St., Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Board was advertised and held, as required by law, at which time all interested parties in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 19th day of September, 1960.

Heard 9-19-60
No. 60-9-18
10-4-60
mc